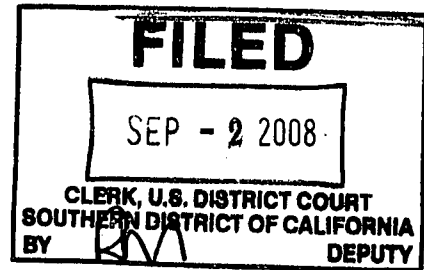


Bryan Daves Sr.
 PLAINTIFF/PETITIONER/MOVANT'S NAME
P62597*
 PRISON NUMBER
P.O. box 3030 High Desert S.C.
 PLACE OF CONFINEMENT
P.O. box 3030 SUSANVILLE, CAL 96127
 ADDRESS



**United States District Court
 Southern District Of California**

Bryan Daves
 Plaintiff/Petitioner/Movant
 v.
City of San Diego et al.
 Defendant/Respondent

Civil No. 08CV1450 H (CAR)
 (TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER
 PENALTY OF PERJURY IN SUPPORT
 OF MOTION TO PROCEED IN FORMA
PAUPERIS**

I, Bryan Daves Sr.
 declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without
 prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this
 proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)

If "Yes," state the place of your incarceration High Desert State Prison

Are you employed at the institution? ☐ Yes ☒ No

Do you receive any payment from the institution? ☐ Yes ☒ No

[Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust
 account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. NONE

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. NONE

3. In the past twelve months have you received any money from any of the following sources?:

- | | |
|---|---|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. Rent payments, royalties interest or dividends | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Social Security, disability or other welfare | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| f. Spousal or child support | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Any other sources | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month. NONE

4. Do you have any checking account(s)? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s): NONE

b. Present balance in account(s):

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s): NONE

b. Present balance in account(s):

6. Do you own an automobile or other motor vehicle? ☐ Yes ☒ No

a. Make: Year: Model: NONE

b. Is it financed? ☐ Yes ☒ No

c. If so, what is the amount owed? NONE

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?

☐ Yes ☒ No

If "Yes" describe the property and state its value. NONE

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. NONE

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable): NONE

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]): NONE

12. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses. NONE

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

Aug. 24, 2008

DATE

Bryan Davis

SIGNATURE OF APPLICANT

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant Brian Davis
(NAME OF INMATE)

P62597

(INMATE'S CDC NUMBER)

has the sum of \$ 10.00 on account to his/her credit at _____

High Desert State Prison
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities _____

to his/her credit according to the records of the aforementioned institution. I further certify that **during**

the past six months the applicant's *average monthly balance* was \$ 3.75

and the *average monthly deposits* to the applicant's account was \$ 3.75

ALL PRISONERS **MUST** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT
STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD
IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

8/27/08

DATE

Andy Morales

SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

Garry Morales

OFFICER'S FULL NAME (PRINTED)

Pr. Account Clerk.

OFFICER'S TITLE/RANK

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION
(Incarcerated applicants only)

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

I, Bryan Davis Sr. P62597*, request and authorize the agency holding me in
(Name of Prisoner/ CDC No.)
custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☒ \$350 (civil complaint) or ☐ \$5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

Aug. 24, 2008

DATE

Bryan Davis Sr. P62597*

SIGNATURE OF PRISONER

REPORT ID: TS3030 .701 REPORT DATE: 08/27/08
 PAGE NO: 1
 CALIFORNIA DEPARTMENT OF CORRECTIONS
 HIGH DESERT STATE PRISON
 INMATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: FEB. 27, 2008 THRU AUG. 27, 2008

ACCOUNT NUMBER : P62597 BED/CELL NUMBER: FDB8T10000000125L
 ACCOUNT NAME : DAVIS, BRIAN ACCOUNT TYPE: I
 PRIVILEGE GROUP: D

TRUST ACCOUNT ACTIVITY

DATE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
02/27/2008	BEGINNING BALANCE					0.00
04/15	D320 TRUST FUNDS T 4575	COR		22.50		22.50
04/18	W512 LEGAL POSTAGE 4705	04/17			1.48	21.02
07/29	W515 COPY CHARGE 0596	COPIES			1.80	19.22
07/29	W512 LEGAL POSTAGE 0603	07/29			1.34	17.88
08/05	W512 LEGAL POSTAGE 0664	08/05			1.68	16.20
08/18	W516 LEGAL COPY CH 0937	08/18			3.80	12.40

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
09/20/2007	H103	DAMAGES-REFUSED TO SIGN HOLD	1270SHEET	2.40

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 12/06/99 CASE NUMBER: FVA08352
 COUNTY CODE: SBD FINE AMOUNT: \$ 5,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
02/27/2008		BEGINNING BALANCE		4,942.00
03/27/08	SU03	SYS UPDATE - POS	25.00-	4,917.00

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
 * IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED.

THE WITHIN THE TRUST ACCOUNTING SYSTEM
 BY THIS OFFICE
 CALIFORNIA DEPARTMENT OF CORRECTIONS
 8/27/08
 10:58

REPORT ID: TS3030 .701

CALIFORNIA DEPARTMENT OF CORRECTIONS
HIGH DESERT STATE PRISON
INMATE TRUST ACCOUNT STATEMENT

REPORT DATE: 08/27/08

PAGE NO: 2

FOR THE PERIOD: FEB. 27, 2008 THRU AUG. 27, 2008

ACCT: P62597 ACCT NAME: DAVIS, BRIAN ACCT TYPE: I

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	22.50	10.10	12.40	2.40	0.00

CURRENT
AVAILABLE
BALANCE
10.00

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THE OFFICE
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY *[Signature]* TRUST OFFICER



REPORT ID: TS3030 .701

REPORT DATE: 08/27/08
PAGE NO: 1CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIF. STATE PRISON CORCORAN
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: FEB. 27, 2008 THRU AUG. 27, 2008

ACCOUNT NUMBER : P62597
ACCOUNT NAME : DAVIS, BRIAN
PRIVILEGE GROUP:HEAD/CELL NUMBER:
ACCOUNT TYPE: T

TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
	02/27/2008		BEGINNING BALANCE					0.00
	03/27	DD30	CASH DEPOSIT	360718457		22.50		22.50
	04/08	W610	TRANSFER OF T	2800/MDSP	195193558		22.50	0.00

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 12/06/99
COUNTY CODE: SBDCASE NUMBER: FVA08152
FINE AMOUNT: \$ 5,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
02/27/2008		BEGINNING BALANCE		4,912.00
03/27/08	DR30	REST DED-CASH DEPOSIT	25.00-	4,917.00

- * THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
- * IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	22.50	22.50	0.00	0.00	0.00

CURRENT
AVAILABLE
BALANCE

0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE
ATTEST: *8/27/08*
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY *Ym aiaes*
TRUST OFFICE



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE
ATTEST: *08/27/2008*
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY *D. Larr* *Asst. Clk. II*
TRUST OFFICE